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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,688	11/09/2001	Masahiko Komatsubara	Q66733	5789

7590 10/06/2003

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EXAMINER

VAN PELT, BRADLEY J

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,688

Applicant(s)

KOMATSUBARA ET AL.

Examiner

Bradley J Van Pelt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 6, and 9-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Armand (FR 2 736 884 A) in view of Skareen (USPN 2,271,846).

Armand discloses a control lever (10) system for a parking brake, comprising: a control lever for the parking brake, which is mounted to a console (17) of a vehicle for moving between an operating position in which it operates the parking brake, and a releasing position in which it releases the operation of the parking brake,

said console being located between left and right front seats of the vehicle;

a recess (16a) that accommodates the control lever when the control lever occupies the releasing position,

said recess being in said console and having an open lateral face at a lateral side thereof;
and

a releasing knob (21) operative for returning the control lever from the operating position to the releasing position, the releasing knob being disposed on a peripheral surface of a grip of the control lever, the peripheral surface being exposed in the open face of the recess when the control lever occupies the releasing position;

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said control lever having a base end, pivotably mounted to said console, and an opposite head end;

the control lever further comprising a protrusion formed on a head of the grip, the protrusion projecting toward a bottom surface of the recess, the protrusion (finger grooves on handle) defining a limit of grasping of the head of the grip by a driver;

the releasing position is substantially vertical (see Fig. 2);

the control lever is disposed in a driver-facing front dash of a vehicle.

Armand does not disclose said opposite head end is free of any releasing knob, said peripheral surface being located only between said base end and said head end of said control lever.

Skareen shows an opposite head end is free of any releasing knob, said peripheral surface being located only between said base end and said head end of said control lever.

To modify the apparatus of Armand so as to place the releasing knob on a peripheral surface, as set forth in claims 1 and 2, would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Skareen that such an arrangement improves the cost of the brake mechanism in that the connection from the trigger to the pawl is shorter; thus, the material used is less, therefore, cheaper.

3. Claims 3, 4, 7, and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Armand in view of Skareen as applied to claims 1, 2, 5, 6, and 9-12 above, and further in view of Pickering (GB 1 237 205).

The above reference combination shows all of the instantly claimed invention, except positioning means.

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Pickering shows positioning means (21).

To modify the above reference combination so as to provide positioning means would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Pickering that such an arrangement improves unwanted movement of the lever in the unbiased position.

Response to Arguments

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

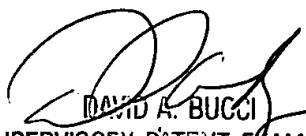
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jandus et al. (USPN 2,146,121).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is 703.305.8176. The examiner can normally be reached on M-Th 7:00-4:30, 2nd F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.2168.

BJVP


DAVID A. BUCCI 9/30/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600